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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,612	03/12/2001	M. Ibrahim Sezan	KLR 7146.115	3154
7590	06/30/2006		EXAMINER CHUONG, TRUC T	
Kevin L. Russell Suite 1600 601 SW Second Ave. Portland, OR 97204-3157			ART UNIT 2179	PAPER NUMBER

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/804,612	<b>Applicant(s)</b> SEZAN ET AL.	
	<b>Examiner</b> Truc T. Chuong	<b>Art Unit</b> 2179	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>03/30/06</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

This communication is responsive to RCE, filed 06/07/06.

Claims 2-24 are pending in this application. Claim 21 is independent claim. In the communication, claim 21 is amended. This action is made non-final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

### ***Claim Rejections - 35 USC § 103***

1. Claims 2-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oosterhout et al. (U.S. Patent No. 6,405,371 B1) in view of Yoshida et al. (U.S. Patent No. 6,137,486).

As to claim 21, Oosterhout teaches a method of using a system with at least one of audio, image, and a video comprising a plurality of frames comprising the steps of:

(a) providing an electronically stored (Oosterhout clearly teaches the microprocessor 25 receives the EPG (Electronic Program Guide) data from the transmitter and stores this information/description scheme in a memory, e.g., col. 3 lines 20-27) user description scheme containing user preference data for a user (if the "theme" button is selected, the program allows the user to input the type of television program he is currently interested in. In this example, it will be assumed that the viewer is interested in movies. The sub-program 309 displays a list of available program types such as "Entertainment", "News", "Sports", "Movie", etc, e.g., col. 1 lines 35-63, col. 4 lines 4-14, and figs. 4-7);

(b) providing at least one of the following:

(i) a program description scheme containing information related to at least one of information regarding interrelationships between a plurality of said frames (e.g., col. 1 lines 35-63, col. 4 lines 4-14, and figs. 4-7), characteristics of the content of a plurality of said frames, characteristics of the content of said audio, characteristics of the content of said image, characteristics of the content of said video;

(ii) a system description scheme containing information regarding at least one of available videos, available categories, available channels, available users, available images, capabilities of a device for providing said at least one of said audio, said image, and said video to a-user, relationship between at least two of said video, said program description scheme, and said user description scheme, relationship between at least two of said audio, said program description scheme, and said user description scheme, relationship between at least two of said image, said program description scheme, and said user description scheme; and

(c) an electronic device selecting without user input (Oosterhout teaches that the microprocessor 25 will search in the EPG database and for each TV channel, the “What’s On Next” program that will be broadcasting, e.g., col. 4 lines 40-49; it clearly means that the electronic device using microprocessor 25 automatically searches for upcoming programs without actual user input at that time.) at least one of a video, an image, and audio based upon said at least one of said program description scheme, said user description scheme, and said system description scheme (e.g., col. 1 lines 35-63, col. 4 lines 4-14, and figs. 4-7);

although, Oosterhout teaches that the microprocessor of the receiver can recognize the predetermined user command (e.g., col. 3 lines 18-37), but Oosterhout does not clearly show that

Art Unit: 2179

the system provides data for a predetermined user and at least one descriptor for identification of said predetermined user. Yoshida clearly teaches the "Program Lock" contains password(s) in order to prevent a child from viewing inappropriate video scenes and channels (Yoshida, e.g., col. 9 lines 6-30), and the password(s) have to be registered/listed as table at the attribute register 9 (Yoshida, e.g., col. 10 lines 15-18, and figs. 1-2 & 4) to be able to compare the preset password(s) and the entering password(s) from the child's parents or guardians. It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the password setup of Yoshida in the television program of Oosterhout to prevent children from accessing inappropriate scenes or channels (Yoshida, col. 9 lines 9-30).

As to dependent claim 2, Oosterhout teaches the method wherein said program description scheme contains information related to said interrelationships of said plurality of said frames (e.g., col. 4 lines 4-30, and figs. 4-7).

As to dependent claim 3, Oosterhout teaches the method wherein said interrelationships include the identification of key frames is video frames (figs. 4-7).

As to dependent claim 4, Oosterhout teaches the method wherein said interrelationships include the identification of a plurality of said frames representative of the highlights of at least a portion of said video (An asterix or other special symbol may be displayed near the sub-images, the relevant channel names may be highlighted, the border lines of the sub-images may change color, etc, e.g., col. 1 lines 57-63, and figs. 4-7).

As to dependent claim 5, Oosterhout teaches the method wherein said interrelationships include the identification of a set of frames, each of which is representative of a different portion of said video (figs. 4-7).

As to claim 6, Oosterhout teaches the method wherein said different portion of said video is non-overlapping (figs. 4-7).

As to dependent claim 7, Oosterhout teaches the method wherein said interrelationships include the identification of a plurality of sequential frames of said video that represent at least one of a shot and a scene (figs. 4-7).

As to dependent claim 8, Oosterhout teaches the method wherein said identification further includes a plurality of said at least one of said shot and said scene (e.g., col. 4 lines 4-30, and figs. 4-7).

As to dependent claim 9, Oosterhout teaches the method wherein said interrelationships includes a plurality of highlights of the same portion of said video having different durations (the similar programs play in different channels showing different length and time, e.g., col. 37-65, and fig. 9).

As to dependent claim 10, Oosterhout teaches the method wherein said interrelationships includes a plurality of key frames of the same portion of said video having a different number of frames of said portion of said video (figs. 4-9).

As to dependent claim 11, Oosterhout teaches the method wherein said program description scheme contains characteristics of said content of said plurality of said frames (theme, col. 1 lines 35-63, col. 4 lines 4-14, and figs. 4-7).

As to dependent claim 13, Oosterhout teaches the method wherein said characteristics include at least one of a color profile of at least a portion of said video, a texture profile of at least a portion of said video, a shape profile of at least a portion of said video, and a motion profile of at least a portion of said video (change colors, e.g., col. 4 lines 15-36, and figs. 6-8).

As to claim 14, Oosterhout teaches the method wherein the program description scheme identifies a portion of each of a plurality of said frames of said video that is to be presented to a user at a size larger than it would have been presented within said video (fig. 9).

As to dependent claim 15, Oosterhout teaches the method wherein said program description scheme identifies a second video segment separate from said video that includes a close up view of a portion of said video (fig. 9).

As to dependent claim 16, Oosterhout teaches the method wherein said program description scheme identifies a second audio track separate from the normal audio track of said video (Oosterhout inherently teaches this feature because fig. 9 shows two different screens of the same video (45a and the larger view); therefore, there are two separate audio tracks (a track for each video)).

As to dependent claim 17, Oosterhout teaches the method wherein said program description scheme includes textual annotation related to said video (CNN, BBC, CH4, etc.).

As to dependent claim 18, Oosterhout teaches the method wherein said textual annotation is related to an object within said video (scheduled broadcast dates and times, titles, types (for example, entertainment, news, sports, movies, etc.), parental ratings, etc., e.g., col. 2 lines 40-45).

As to dependent claims 12 and 19, although, the modified Oosterhout teaches the method wherein said characteristics of the frames/video/genre (e.g., col. 4 lines 4-30, and figs. 4-7), Oosterhout does not clearly show the characteristics relating to an actor within the video; however, it would have been well known and obvious to implement the characteristics of the

video as mentioned above to tell information about a person or character in that video for viewer's references which help the viewer quickly recognizing the role of that character.

As to claim 20, although, the modified Oosterhout does not clearly teaches the method of claim 21 wherein said program description scheme identifies Internet based information related to said video; however, it would have been well known and obvious to implement the scheme of the video as mentioned above to connect the channels with their Web Sites such as CNN, BBC, SAT Web Links, etc. for convenience purposes.

As to dependent claim 22, Oosterhout in view of Yoshida teaches the method wherein said user description scheme is portable between systems containing said program or said system description scheme (Oosterhout inherently shows this feature because the control program can be stored in and executed by microprocessor 25 (e.g., col. 3 lines 18-31); therefore, the control program of Oosterhout can be loaded into different computers or processors).

As to dependent claim 23, Oosterhout teaches the method wherein the user description scheme is contained in a portable data storage medium (program is stored in and executed by the microprocessor, e.g., col. 3 lines 18-25).

2. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oosterhout et al. (U.S. Patent No. 6,405,371 B1) in view of Yoshida et al. (U.S. Patent No. 6,137,486), and further in view of Brown et al. (U.S. Patent No. 6,286,141).

As to claim 24, the modified invention of Oosterhout in view of Yoshida does not teach the scheme contains user preference data based upon a user's viewing history or listening history. Brown clearly teaches personal editing apparatus 1102 compiles a history of past



Art Unit: 2179

viewing habits based solely on channel number selected and the time of day and day of week the channel number was selected (e.g., col. 11 lines 35-42). It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the history record of Brown in the modified system of Oosterhout to be able to keep the viewing record of each different viewer for providing appropriate information in the future (Brown, Summary).

### ***Response to Arguments***

3. Applicant's arguments filed 06/07/06 have been fully considered but they are not persuasive.

Applicants argued and Examiner disagrees with the following reasons:

a. *Oosterhout does not teach "providing an electronically stored user description scheme" and "an electronic device selecting without user input."*

Oosterhout clearly teaches the microprocessor 25 receives the EPG (Electronic Program Guide) data from the transmitter and stores this information/description scheme in a memory (e.g., col. 3 lines 20-27), and Oosterhout teaches that the microprocessor 25 will search in the EPG database and for each TV channel, the "What's On Next" program that will be broadcasting (e.g., col. 4 lines 40-49); it clearly means that the electronic device using microprocessor 25 automatically searches for upcoming programs without actual user input at the time of searching for the appropriate TV programs.

b. *There is no suggestion or motivation to combine Oosterhout and Yoshida.*

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, although, Oosterhout teaches that the microprocessor of the receiver can recognize the predetermined user command (e.g., col. 3 lines 18-37), but Oosterhout does not clearly show that the system provides data for a predetermined user and at least on descriptor for identification of said predetermined user. Yoshida clearly teaches the "Program Lock" contains password(s) in order to prevent a child from viewing inappropriate video scenes and channels (Yoshida, e.g., col. 9 lines 6-30), this "Program Lock" concept for TV or Internet is also well known in the art, and the password(s) have to be registered/listed as table at the attribute register 9 (Yoshida, e.g., col. 10 lines 15-18, and figs. 1-2 & 4) to be able to compare the preset password(s) and the entering password(s) from the child's parents or guardians; therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to use the password setup of Yoshida in the television program of Oosterhout to prevent children from accessing inappropriate scenes or channels (Yoshida, col. 9 lines 9-30).

***Conclusion***

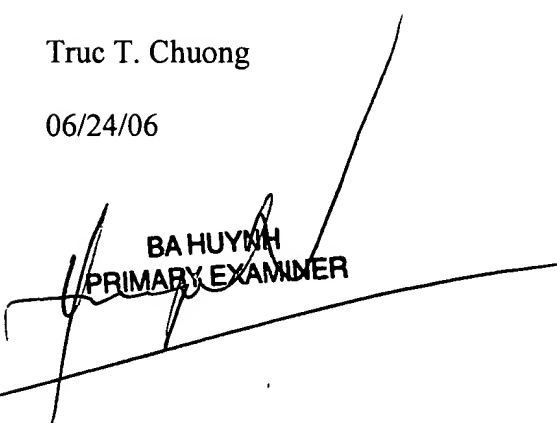
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T. Chuong whose telephone number is 571-272-4134. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Truc T. Chuong

06/24/06

  
BA HUYNH  
PRIMARY EXAMINER